

10/17/21  
552p  
MC-A/S  
26478

COMMONWEALTH OF VIRGINIA



RICHMOND CITY CIRCUIT COURT

Civil Division  
400 NORTH 9TH STREET  
RICHMOND VA 23219

Virginia:

In the RICHMOND CITY CIRCUIT COURT

Proof of Service

Case number: 760CL21004284-00

Service number: 001

Service filed: October 05, 2021

Judge:

Served by: OUT OF STATE

Style of case: MICHEAL DONOVAN vs DUANE CHAPMAN

Service on: DUANE CHAPMAN  
PERSONAL SERVICE

Attorney: MATHENY WILLARD, AMINA  
757-777-3441

Instructions:

Returns shall be made hereon, showing service of Summons issued Tuesday, October 05, 2021 with a copy of the Complaint filed Tuesday, October 05, 2021 attached.

Hearing date :

Service issued: Tuesday, October 05, 2021

---

For Sheriff Use Only

COMMONWEALTH OF VIRGINIA



RICHMOND CITY CIRCUIT COURT  
Civil Division  
400 NORTH 9TH STREET  
RICHMOND VA 23219

Summons

To: DUANE CHAPMAN  
PERSONAL SERVICE

Case No. 760CL21004284-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Tuesday, October 05, 2021

Clerk of Court: EDWARD F JEWETT

by

(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: MATHENY WILLARD, AMINA  
757-777-3441

**COVER SHEET FOR FILING CIVIL ACTIONS**  
 COMMONWEALTH OF VIRGINIA
Case No. .....  
(CLERK'S OFFICE USE ONLY)

City of Richmond

Circuit Court

Micheal Donovan

PLAINTIFF(S)

v./in re:

Duane Chapman

DEFENDANT(S)

I, the undersigned [ ] plaintiff [ ] defendant [ ] attorney for [ ] plaintiff [ ] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

**GENERAL CIVIL****Subsequent Actions**

Claim Impleading Third Party Defendant  
 Monetary Damages  
 No Monetary Damages  
 Counterclaim  
 Monetary Damages  
 No Monetary Damages  
 Cross Claim  
 Interpleader  
 Reinstatement (other than divorce or driving privileges)  
 Removal of Case to Federal Court

**Business & Contract**

Attachment  
 Confessed Judgment  
 Contract Action  
 Contract Specific Performance  
 Detinue  
 Garnishment

**Property**

Annexation  
 Condemnation  
 Ejectment  
 Encumber/Sell Real Estate  
 Enforce Vendor's Lien  
 Escheatment  
 Establish Boundaries  
 Landlord/Tenant  
 Unlawful Detainer  
 Mechanics Lien  
 Partition  
 Quiet Title  
 Termination of Mineral Rights

**Tort**

Asbestos Litigation  
 Compromise Settlement  
 Intentional Tort  
 Medical Malpractice  
 Motor Vehicle Tort  
 Product Liability  
 Wrongful Death  
 Other General Tort Liability

Damages in the amount of \$ 1,300,000.00

 RECEIVED AND FILED  
 CIRCUIT COURT

OCT - 5 2021

EDWARD F. JEWETT, CLERK  
BY \_\_\_\_\_ D.C.

[ ] PLAINTIFF [ ] DEFENDANT [ ] ATTORNEY FOR [ ] PLAINTIFF [ ] DEFENDANT

**ADMINISTRATIVE LAW**

Appeal/Judicial Review of Decision of (select one)  
 ABC Board  
 Board of Zoning  
 Compensation Board  
 DMV License Suspension  
 Employee Grievance Decision  
 Employment Commission  
 Local Government  
 Marine Resources Commission  
 School Board  
 Voter Registration  
 Other Administrative Appeal

**DOMESTIC/FAMILY**

Adoption  
 Adoption – Foreign  
 Adult Protection  
 Annulment  
 Annulment – Counterclaim/Responsive Pleading  
 Child Abuse and Neglect – Unfounded Complaint  
 Civil Contempt  
 Divorce (select one)  
 Complaint – Contested\*  
 Complaint – Uncontested\*  
 Counterclaim/Responsive Pleading  
 Reinstatement – Custody/Visitation/Support/Equitable Distribution  
 Separate Maintenance  
 Separate Maintenance Counterclaim

**WRITS**

Certiorari  
 Habeas Corpus  
 Mandamus  
 Prohibition  
 Quo Warranto

**PROBATE/WILLS AND TRUSTS**

Accounting  
 Aid and Guidance  
 Appointment (select one)  
 Guardian/Conservator  
 Standby Guardian/Conservator  
 Custodian/Successor Custodian (UTMA)  
 Trust (select one)  
 Impress/Declare/Create  
 Reformation  
 Will (select one)  
 Construe  
 Contested

**MISCELLANEOUS**

Amend Death Certificate  
 Appointment (select one)  
 Church Trustee  
 Conservator of Peace  
 Marriage Celebrant  
 Approval of Transfer of Structured Settlement  
 Bond Forfeiture Appeal  
 Declaratory Judgment  
 Declare Death  
 Driving Privileges (select one)  
 Reinstatement pursuant to § 46.2-427  
 Restoration – Habitual Offender or 3<sup>rd</sup> Offense  
 Expungement  
 Firearms Rights – Restoration  
 Forfeiture of Property or Money  
 Freedom of Information  
 Injunction  
 Interdiction  
 Interrogatory  
 Judgment Lien-Bill to Enforce  
 Law Enforcement/Public Official Petition  
 Name Change  
 Referendum Elections  
 Sever Order  
 Taxes (select one)  
 Correct Erroneous State/Local  
 Delinquent  
 Vehicle Confiscation  
 Voting Rights – Restoration  
 Other (please specify)

10/5/2021

DATE

Amina Matheny-Willard

PRINT NAME

999 Waterside Drive, Suite 2525, Norfolk, Virginia 23510

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

amina@aminalaw.com

757-777-3441

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

\*\*Contested\*\* divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

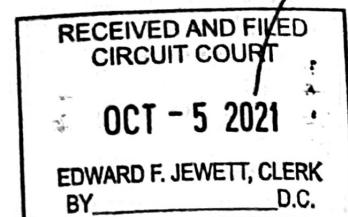
**Civil Action Type Codes**  
**(Clerk's Office Use Only)**

Accounting	ACCT	RE
Adoption	ADOP	VEND
Adoption – Foreign	FORA	ESC
Adult Protection	PROT	ESTB
Aid and Guidance	AID	XPUN
Amend Death Certificate	ADC	FORF
Annexation	ANEX	FOI
Annulment	ANUL	GARN
Annulment – Counterclaim/Responsive Pleading	ACRP	INJ
Appeal/Judicial Review		ITOR
ABC Board	ABC	INTD
Board of Zoning	ZONE	INTP
Compensation Board	ACOM	INTR
DMV License Suspension	JR	LIEN
Employment Commission	EMP	LT
Employment Grievance Decision	GRV	LEP
Local Government	GOVT	MECH
Marine Resources	MAR	MED
School Board	JR	MV
Voter Registration	AVOT	NC
Other Administrative Appeal	AAPL	GTOR
Appointment		PART
Conservator of Peace	COP	PERMIT
Church Trustee	AOCT	PET
Custodian/Successor Custodian (UTMA)	UTMA	PROD
Guardian/Conservator	APPT	QT
Marriage Celebrant	ROMC	ELEC
Standby Guardian/Conservator	STND	REIN
Approval of Transfer of Structured Settlement	SS	REM
Asbestos Litigation	AL	RFRF
Attachment	ATT	RFRR
Bond Forfeiture Appeal	BFA	SEP
Child Abuse and Neglect – Unfounded Complaint	CAN	Separate Maintenance – Counterclaim/Responsive
Civil Contempt	CCON	Privileges
Claim Impleading Third Party Defendant – Monetary Damages/No Monetary Damages	CTP	Pleading
Complaint – (Miscellaneous)	COM	Sever Order
Compromise Settlement	COMP	Sex Change
Condemnation	COND	Taxes
Confessed Judgment	CJ	Correct Erroneous State/Local
Contract Action	CNTR	Delinquent
Contract Specific Performance	PERF	Termination of Mineral Rights
Counterclaim – Monetary Damages/No Monetary Damages	CC	Trust – Impress/Declare/Create
Cross Claim	CROS	Trust – Reformation
Declaratory Judgment	DECL	Uniform Foreign Country Money Judgments
Declare Death	DDTH	Unlawful Detainer
Detinue	DET	Vehicle Confiscation
Divorce		Violation – Election Law
Complaint – Contested/Uncontested	DIV	Voting Rights – Restoration
Counterclaim/Responsive Pleading	DCRP	Will Construction
Reinstatement – Custody/Visitation/Support/Equitable Distribution	CVS	Will Contested
Driving Privileges		Wrists
Reinstatement pursuant to § 46.2-427	DRIV	Certiorari
Restoration – 3 <sup>rd</sup> Offense	REST	Habeas Corpus
Ejection	EJET	Mandamus
		Prohibition
		Quo Warranto
		Wrongful Death
		WD

## VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND

1 MICHEAL DONOVAN; )  
 2 )  
 3 Plaintiff, )  
 4 )  
 5 v. )  
 6 )  
 7 DUANE CHAPMAN )  
 8 )  
 9 Defendant. )  
 10 \_\_\_\_\_ )  
 11 )  
 12 VERIFIED COMPLAINT

Case No. \_\_\_\_\_



13 Plaintiff Micheal Donovan, for his Defamation Complaint against defendant Duane  
 14 Chapman, alleges as follows:

15 INTRODUCTION

16 1. Defendant is a disgraced reality TV star who was fired by Plaintiff after his company  
 17 discovered that the Defendant had used racial epithets to attack Black teenage Black  
 18 Lives Matter activists.

19 2. Plaintiff's investigation into the allegations of racial epithets also uncovered illegal  
 20 activity, to wit: Defendant Chapman illegally holstered and wore a taser device during  
 21 filming in Virginia, which is illegal in the Commonwealth considering Chapman has  
 22 been convicted of a violent crime.

23 3. Plaintiff's investigation of Defendant's felony record, in order to determine whether  
 24 his use of the taser was illegal, discovered significant inaccuracies between  
 25 Defendant's report of his crime and the facts as viewed in court records.

26 4. For instance, Plaintiff had no idea when he hired Defendant that the victim in his  
 27 decades old murder conviction was Black, and that on the way to the victim's house  
 28 Defendant and his friends bragged that they were "going to get them a nigger".

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**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
*Micheal Donovan v. Duane Chapman*

29 5. Plaintiff similarly had no idea of the level of involvement Defendant Chapman had in  
30 the murder, as Defendant reported to Plaintiff that he was simply in the wrong place at  
31 the wrong time. In fact, according to the court records, Defendant brought ammunition  
32 along with him on their trip to specifically rob a Black man.

33 6. Defendant has engaged in a course of conduct to lash out at Plaintiff for terminating  
34 his contract and this conduct has led to Defendant committing the tort of defamation,  
35 and Plaintiff being forced to file this complaint.

36 **JURISDICTION AND VENUE**

37 7. The Court's jurisdiction is based on § 17.1-513, *et seq.*, and § 8.01-328.1, *et seq.*, of  
38 the Code of Virginia.

39 8. Venue is proper pursuant to § 8.01-262(4) of the Code of Virginia.

40 9. Venue is further proper in this Court because the defamatory content in this case was  
41 specifically intended to damage Plaintiff in his reputation, and damage Plaintiff's  
42 relationships within the City of Richmond.

43 **PARTIES**

44 10. Plaintiff Micheal Donovan is the CEO of Unleashed Entertainment LLC, which  
45 operates Unleashed TV. Donovan is a resident of Virginia with a principal residence  
46 in Fishersville, Virginia.

47 11. Defendant is a resident of Colorado with a principal residence in Castle Rock,  
48 Colorado.

48  
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**STATEMENT OF FACTS**

51 12. On April 7, 2021, Defendant Chapman posted on his official "@DogBountyHunter"  
52 Twitter account the following statement: "Unleashed representatives are trying to steal  
53 hi Jack Miss lead miss inform etc. all dog the bounty Hunter is also trademarked by us"  
54 (hereinafter, the "4/7 Statement"). A true and correct copy of the tweet in question can  
55 be found below: 



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**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
*Micheal Donovan v. Duane Chapman*

70 13. Plaintiff, through their company Unleashed Entertainment LLC, invested a significant  
71 amount of time and money producing a show that could never air because of  
72 Defendants immoral and illegal conduct.

73 14. Plaintiff made reserved, but necessary, statements to their customers to explain why  
74 Defendant's new show, "Dog Unleashed", was cancelled.

75 15. Defendant seeks to shirk all responsibility for his actions and defame Plaintiff in an  
76 effort to cover up his despicable and racist behavior.

77 16. Defendant's 4/7 statement accuses Plaintiff and his associates of criminal activity,  
78 which is false, constituting defamation *per se*.

79 17. The 4/7 Statement was published on April 7, 2021 at 6:09PM on Defendant's official  
80 twitter account.

81 18. Defendant's defamatory content was available worldwide, but upon information and  
82 belief Defendant specifically intended for his defamatory content to reach individuals  
83 living and working in the City of Richmond, to damage Plaintiff's reputation and  
84 relationships with individuals living and working in the City of Richmond.

85 19. Defendant knows his show was cancelled because of his racist behavior and illegal  
86 activity. Defendant's actions in asserting wrongdoing by Plaintiff was an attempt to  
87 deflect.

88 20. The 4/7 Statement is factually untrue because neither Plaintiff nor his employees were  
89 "trying to steal hi Jack Miss inform etc.". Plaintiff was simply correcting a grave error  
90 he made when he offered to produce a show for the Defendant, namely, cancelling the  
91 show and cutting all losses. Defendant's arrogance and attempt to remain relevant  
92 demonstrate actual malice.

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93 21. On September 16, 2021, Defendant Chapman posted on his official  
94 “@DogBountyHunter” Twitter account the following statement: “they will see how  
95 you have lied about all of us you creep again what about the little boys daddy?”  
96 (hereinafter, the “First 9/16 Statement”). A true and correct copy of the tweet in  
97 question can be found below:

10/16/2021 10:45 AM  
@DogBountyHunter  
they will see how you have lied about all of us you creep again what about the little boys daddy?

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**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
*Micheal Donovan v. Duane Chapman*

2:01 4

• 5G



**Tweet**



**Duane Dog Chapman** •  
@DogBountyHunter

Replies to @richardmooreva @notfreeamerica and 4 others

They will see how you have lied about  
all of us you creep again what about  
the little boys Daddy

7:18 PM · 9/16/21 · Twitter for iPhone

4 Likes



**Chris Hayford** @ChrisHayford9 · 9/16/21 · ...

Replies to @DogBountyHunter  
@notfreeamerica and 5 others

Uncle Dog please



**More Replies**



**Richard Moore** @richardmoor... · 9/16/21 · ...

Replies to @DogBountyHunter  
@notfreeamerica and 4 others

I don't use people and cast them aside like  
you do Duane.



**Tweet your reply**



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98

22. Defendant seeks to shirk all responsibility for his actions and defame Plaintiff in an

100

effort to cover up his despicable and racist behavior.

**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
*Micheal Donovan v. Duane Chapman*

101 23. The “lies” Defendant Chapman references are the actual facts surrounding the  
102 cancellation of his reality tv show for cause. Thus, this statement is not a general  
103 statement of opinion, rather a statement Defendant is employing as true to cover up his  
104 immoral and criminal activity.

105 24. Defendant Chapman maintained a false narrative that his show had not been cancelled,  
106 going so far as to continue advertising the cancelled show on his social media platforms  
107 thru September 2021. The statement is designed to and has, in fact, damaged Plaintiff  
108 in their industry and/or trade.

109 25. Defendant’s First 9/16 statement accuse Plaintiff and their associates of criminal  
110 activity, which is false, constituting defamation *per se*.

111 26. The 9/16 Statement was published on September 16, 2021 at 7:18 PM on Defendant’s  
112 official twitter account.

113 27. Defendant knows his show was cancelled because of his racist behavior and illegal  
114 activity. His actions in asserting that Plaintiff lied about these facts were an attempt to  
115 deflect blame from himself and designed to harm Plaintiff’s reputation.

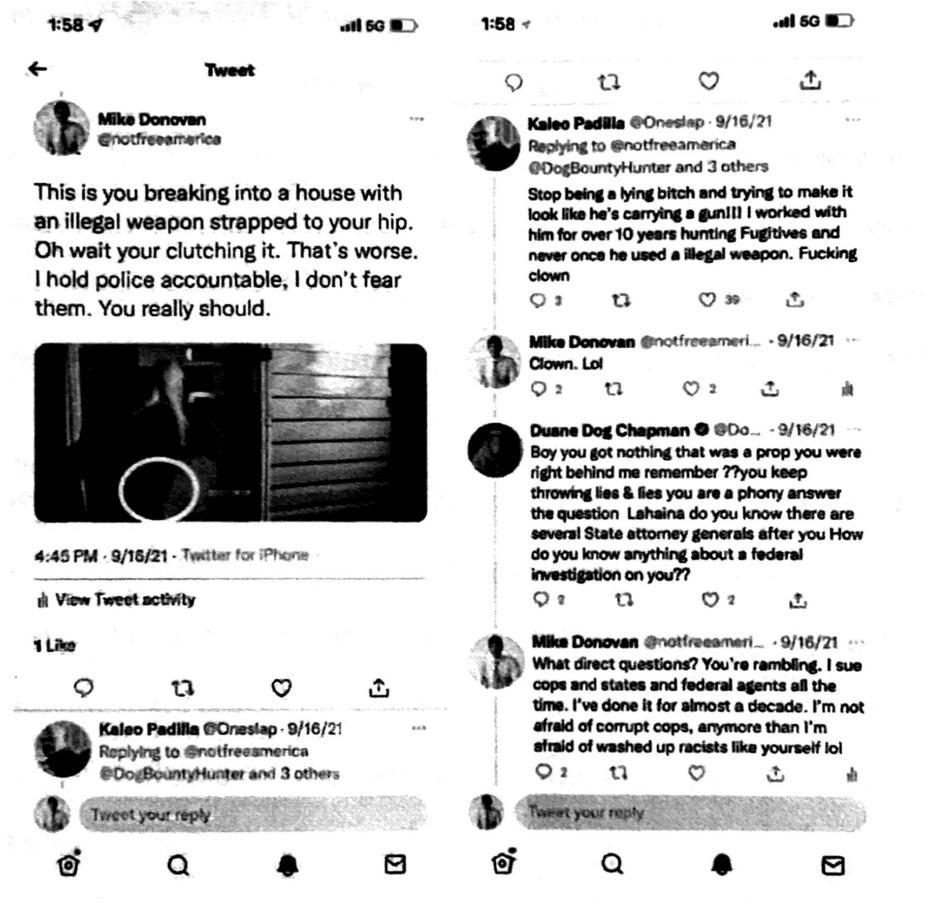
116 28. The First 9/16 Statement is factually untrue because none of Plaintiff’s public statements  
117 about the “Dog Unleashed” show cancellation were false in any way. By specifically  
118 accusing Plaintiff of lying about the cancellation of his show, Defendant seeks to  
119 defame Plaintiff, injuring them in their business and/or trade and injuring their  
reputation.

120 29. To add ignorant insult to injury, Defendant resorts to tired homophobic tropes, calling  
121 one of the openly gay Plaintiff “daddy” in a mocking manner and making a vile and  
122 disgusting implication using the words “little boys” and “daddy” together.

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124 30. On September 16, 2021, Defendant Chapman posted on his official  
 125 “@DogBountyHunter” Twitter account the following statement: “Boy you got nothing  
 126 that was a prop you were right behind me remember ?? You keep throwing lies you are  
 127 a phony” (hereinafter, the “Second 9/16 Statement”). A true and correct copy of the  
 128 tweet in question can be found below:



129  
 130 31. Plaintiff Donovan posted an image from the video assets of the now defunct “Dog  
 131 Unleashed” show which shows the Defendant using a taser weapon when entering the  
 132 home of a suspect. Defendant is a convicted felon, having been convicted of murder,

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133 and it is illegal for Defendant to carry a stun weapon in the Commonwealth of Virginia,  
134 as it is a violation of Virginia Code § 18.2-308.2.

135 32. Defendant claims he was carrying a prop, which Plaintiff hopes is true. However,  
136 Defendant was advised, before production, that he could not carry the taser he  
137 produced. When Defendant showed a representative of Plaintiff the taser, the  
138 representative asked if the taser was real and Defendant replied: "of course."  
139 Defendant was advised that possessing the weapon in Virginia is a felony and the use  
140 of it would put his show in jeopardy. The picture in the above tweet comes from film  
141 *days after* Defendant admitted he had an illegal taser and Defendant was told that he  
142 could not possess a taser (stun weapon) in Virginia. Defendant knowingly and  
143 feloniously possessed a weapon in violation of Virginia Code § 18.2-308.2., and he  
144 used such weapon to intimidate a person when forcing entry into their home. This event  
145 led to the investigation regarding the taser, which, combined with the racial epithets,  
146 led Plaintiff Donovan to cancel the "Dog Unleashed" production.

147 33. Defendant's Second 9/16 statement accuses Plaintiff and their associates of criminal  
148 activity, which is false, constituting defamation *per se*.

149 34. The 9/16 Statement was published on September 16, 2021, after 4:45PM, on  
150 Defendant's official twitter account.

151

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**COUNT I**  
**DEFAMATION PER SE**  
**(As to the Defendant's 4/7 Statement)**

157

35. Plaintiff reallege all the foregoing allegations and incorporates them herein by reference.

158

36. The Statement is factually untrue.

159

37. The Statement does not deal with matters of public concern relating to a matter of political, social, or other concern to the community, nor is it the subject of legitimate news interest.

160

38. The Statement is defamatory because it has a defamatory meaning on its face.

161

39. The Statement is defamatory because it has a defamatory meaning by its implication.

162

40. The plain and natural meaning of the Statement is not a mere expression of opinion as reasonably understood by the average person because it can be, and is, provably false.

163

41. On its face, the plain and natural meaning of the Statement is not rhetorical hyperbole as would be reasonably understood by the average person.

164

42. As used by Defendant, the plain and natural meaning of the Statement is not rhetorical hyperbole as would be reasonably understood by the average person.

165

43. A reasonable person would understand the Statement to convey a (false) representation of fact.

166

44. Defendant published the Statement in a manner that created a substantial danger to Plaintiffs' reputation.

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175 45. Defendant published the Statement with actual malice, personal spite, and ill-will,  
176 independent of the occasion on which the communication was made, and with the  
177 specific intent to harm Plaintiff and their reputation.

178 46. Defendant knew the Statement was false at the time he published it, or he had a high  
179 degree of awareness of the Statement's probable falsity at the time he published it.

180 47. Defendant published the Statement with a reckless disregard for its truth.

181 48. Plaintiff is not a public figure.

182 49. Plaintiff Donovan may be a limited purpose public figure because he has assumed a  
183 role of public prominence related to matters involving civil rights and/or immigration;  
184 however, none of those limited purpose areas apply to the facts in this Complaint.

185 50. Defendant's publication of the Statement was unreasonable.

186 51. Defendant acted negligently in failing to ascertain accurate facts upon which the  
187 Statement could be based. Defendant did not take reasonable care in ensuring the truth  
188 of the Statement before publishing it.

189 **COUNT II**  
**DEFAMATION PER SE**

190 **(As to the Defendant's First 9/16 Statement)**

191 52. Plaintiff realleges all the foregoing allegations and incorporates them herein by  
192 reference.

193 53. The Statement is factually untrue.

194 54. The Statement does not deal with matters of public concern relating to a matter of  
195 political, social, or other concern to the community, nor is it the subject of legitimate  
196 news interest.

197 55. The Statement is defamatory because it has a defamatory meaning on its face.

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**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
*Micheal Donovan v. Duane Chapman*

200 56. The Statement is defamatory because it has a defamatory meaning by its implication.

201 57. The plain and natural meaning of the Statement is not a mere expression of opinion as

202 reasonably understood by the average person because it can be, and is, provably false.

203 58. On its face, the plain and natural meaning of the Statement is not rhetorical hyperbole

204 as would be reasonably understood by the average person.

205 59. As used by Defendant, the plain and natural meaning of the Statement is not rhetorical

206 hyperbole as would be reasonably understood by the average person.

207 60. A reasonable person would understand the Statement to convey a (false) representation

208 of fact.

209 61. Defendant published the Statement in a manner that created a substantial danger to

210 Plaintiffs' reputation.

211 62. Defendant published the Statement with actual malice, personal spite, and ill-will,

212 independent of the occasion on which the communication was made, and with the

213 specific intent to harm Plaintiff and their reputation.

214 63. Defendant knew the Statement was false at the time he published it, or he had a high

215 degree of awareness of the Statement's probable falsity at the time he published it.

216 64. Defendant published the Statement with a reckless disregard for its truth.

217 65. Plaintiff is not a public figure.

218 66. Plaintiff Donovan may be a limited purpose public figure because he has assumed roles

219 of public prominence related to matters involving civil rights or immigration; however,

220 none of those limited purpose areas apply to the facts in this Complaint.

221 67. Defendant's publication of the Statement was unreasonable.

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**VIRGINIA: IN CIRCUIT COURT FOR THE CITY OF RICHMOND**  
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222 68. Defendant acted negligently in failing to ascertain accurate facts upon which the  
223 Statement could be based. Defendant did not take reasonable care in ensuring the truth  
224 of the Statement before publishing it.

225 **COUNT III**  
226 **DEFAMATION *PER SE***  
227 **(As to the Defendant's Second 9/16 Statement)**

229 69. Plaintiff realleges all the foregoing allegations and incorporates them herein by  
230 reference.

231 70. The Statement is factually untrue.

232 71. The Statement does not deal with matters of public concern relating to a matter of  
233 political, social, or other concern to the community, nor is it the subject of legitimate  
234 news interest.

235 72. The Statement is defamatory because it has a defamatory meaning on its face.

236 73. The Statement is defamatory because it has a defamatory meaning by its implication.

237 74. The plain and natural meaning of the Statement is not a mere expression of opinion as  
238 reasonably understood by the average person because it can be, and is, provably false.

239 75. On its face, the plain and natural meaning of the Statement is not rhetorical hyperbole  
240 as would be reasonably understood by the average person.

241 76. As used by Defendant, the plain and natural meaning of the Statement is not rhetorical  
242 hyperbole as would be reasonably understood by the average person.

243 77. A reasonable person would understand the Statement to convey a (false) representation  
244 of fact.

245 78. Defendant published the Statement in a manner that created a substantial danger to  
246 Plaintiffs' reputation.

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247 79. Defendant published the Statement with actual malice, personal spite, and ill-will,  
248 independent of the occasion on which the communication was made, and with the  
249 specific intent to harm Plaintiff and their reputation.

250 80. Defendant knew the Statement was false at the time he published it, or he had a high  
251 degree of awareness of the Statement's probable falsity at the time he published it.

252 81. Defendant published the Statement with a reckless disregard for its truth.

253 82. Plaintiff is not a public figure.

254 83. Plaintiff Donovan may be a limited purpose public figure because he has assumed a  
255 role of public prominence related to matters involving civil rights and/or immigration;  
256 however, none of those limited purpose areas apply to the facts in this Complaint.

257 84. Plaintiff has not thrust himself into a public controversy related to the Statement.

258 85. Defendant's publication of the Statement was unreasonable.

259 86. Defendant acted negligently in failing to ascertain accurate facts upon which the  
260 Statement could be based. Defendant did not take reasonable care in ensuring the truth  
261 of the Statement before publishing it.

262 **WHEREFORE**, Plaintiff seek the following:

263 1. Actual and punitive damages in an amount to be proved at trial but not less than:  
264 a. Count I: \$400,000;  
265 b. Count II: \$500,000;  
266 c. Count III: \$400,000;

267 For a Total of Not Less Than: \$1,300,000.00

268 2. Attorney fees and court costs; and  
269 3. Such other and further relief as this court deems just and proper.

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270 Dated this 5<sup>th</sup> Day of October, 2021

271 **JURY TRIAL DEMANDED**

272 *Respectfully Submitted,*

*Amina Matheny Willard*

273  
274 By: \_\_\_\_\_  
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